

Appl. No. 10/816,064
Amdt. Dated November 22, 2005
Reply to Final Office Action of August 23, 2005

REMARKS/ARGUMENTS

This RCE is responsive to the Final Office Action mailed on August 23, 2005, and the Advisory Action of November 1, 2005. In the Final Office action claims 1-5, 28-31, 44 and 48, were rejected under 35 U.S.C. §102 (b) as being anticipated by Mihara et al. (U.S. Patent No. 6,731,716 B2, hereinafter "Mihara"). Claims 6-27, 32-43, 45-47, and 49-58 were objected to but were deemed allowable if rewritten in independent form. In the Advisory Action claims 6-27, 32-43, 45-47, and 49-59 were objected to and claims 1-5, 28-31 and 44 were rejected.

In the response to the Final Office Action dated October 24, 2005, claims 1, 28, 44, 47, 50-58 were cancelled, claims 2-6, 12, 14, 15, 18, 19, 21, 26, 29-32, 36, 37, 40-43, 45, 46, 49, and 59 were amended, and claim 60-62 were added. Support for claim 60 can be found in paragraph [0048] and support for claim 61 and 62 can be found in FIGS. 6 and 7 and in paragraph [0054]. No new matter has been added.

Applicants respectfully submit that the claims 60-62 that were previously presented as new claims, and claims 50-58 that were previously cancelled, in the Final Office Action Response dated October 24, 2005, do not seem to have been entered by the Examiner. Applicants respectfully request entry of these amendments as well.

The Applicants also respectfully submit that the claims 3 and 30 have been further amended based on the Examiner's remarks in the Advisory Action.

Claims 2-27, 29-43, 45, 46, 49, 59-62 remain pending in this application. Reconsideration in light of the above amendments and the following remarks is respectfully requested.

Claims define allowable subject matter over the applied art

Claims 1-5, 28-31, 44 were rejected under 35 U.S.C. §102 (e) as being anticipated by Mihara. Applicants have carefully reviewed the applied reference, and have cancelled the independent claims 1, 28 and 44 and dependent claims 47, 50-58. Claims 2, 3, 4, 18, 19, 26, 29, 30, 31, 45, and 46 have been amended and are the new independent claims and these include the claims that were deemed allowable by the Examiner. Claims 5, 6, 12, 14, 15, 21, 32, 36, 37, 40-43, 49, and 59 are the dependent claims that have been amended in order to recite the correct dependencies. No new matter has been added.

Claims 18, 19, 26, 45, and 46 were objected to as being dependent upon a rejected base claim but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. Applicants have accepted the Examiner's suggestion and have amended claims 18, 19, 26, 45, and 46 as independent claims. Claim 49, as amended depends directly from the amended independent claim 46,

Appl. No. 10/816,064
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and is therefore, similarly allowable.

Applicants respectfully traverse the rejection of the new independent claims 2, 3, 4, 29, 30, and 31 as amended, under 35 U.S.C. §102 (e) as being anticipated by Mihara. To anticipate a claim under 102, each and every element of the claim must be taught by the reference.

With respect to the amended independent claims 2 and 29, Mihara does not disclose, teach or suggest the claim recitations of "wherein the one or more emitters comprise at least one of carbon-based emitters, photo emitters, ferroelectric emitters, cold-cathode emitters, laser diodes and monolithic semiconductors." Mihara only discloses thermion emitters (column 5, lines 1-10), the Applicants have accordingly cancelled the thermionic emitters from the amended independent claims 2 and 29. However, there is absolutely no disclosure, teaching or suggestion in Mihara about other different types of emitters as recited in independent claims 2 and 29.

With respect to amended independent claims 3 and 31, Mihara does not disclose, teach or suggest the claim recitations of "a plurality of detector elements of one or more sizes placed in the at least one stationary detector". Mihara only describes a generic detector having large number of detection elements (column 3, lines 42-47). Irrespective of this disclosure, Mihara still does not disclose, teach or suggest the claim recitation of "detector elements of one or more sizes" as recited in the amended independent claims 3 and 31.

With respect to the amended independent claims 4 and 31, Mihara does not disclose, teach or suggest the claim recitations of "the at least one stationary distributed X-ray source includes at least two full ring sources". Mihara in Fig. 3 and Figs. 5 and 6 only describes a unitary ring source. Mihara is completely silent about any other source configurations that may be used for imaging. Specifically, Mihara does not disclose, teach or suggest "at least two full ring sources" as recited in the amended independent claims 4 and 31.

Accordingly, Applicants respectfully submit that independent claims 2, 3, 4, 29, 30, and 31 as amended define allowable subject matter over the applied art. Amended claim 5 and 59 depend from the independent claim 4, and amended claims 32-43 depend directly or indirectly from the amended independent claim 31, and are similarly allowable.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102 (e).

Appl. No. 10/816,064

Amdt. Dated November 22, 2005

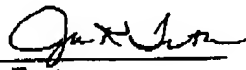
Reply to Final Office Action of August 23, 2005

Summary

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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